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28082.119
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF APPEALS AND INTERFERENCES

In re application of: : Examining Group: 2889
Fechter et al. : Examiner: Quarterman
Serial No.: 10/674,275 :
Filed: September 29, 2003 : Date: March 14, 2008
For: *Flexible, Molded EL Lamp*

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BRIEF ON APPEAL

Hon. Commissioner for Patents
Alexandria, Virginia 22313
SIR:

Enclosed is a Brief in support of an appeal from the final rejection of claims 1, 2, 3, 4, 8, 9, 17, 18, and 19 in the final Office Action dated October 16, 2007, in the above-identified application. A check in payment of the requisite fee under 37 CFR 41.20(b)(2) is enclosed.

An oral hearing is waived.

Respectfully submitted,

Paul F. Wille

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Reg. No. 25,274

Attorney for Appellants



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BRIEF ON APPEAL

I. Real Party in Interest

The real party in interest is World Properties, Inc. as shown by an assignment dated February 2, 2004, and recorded at reel 014949, frame 0813. World Properties, Inc. is a wholly owned subsidiary of Rogers Corporation.

II. Related Appeals and Interferences

None

III. Status of Claims

Claims 1–4 and 8–21 are pending in this application. Claims 10–16, 20, and 21 stand withdrawn from further consideration. Claims 1, 2, 3, 4, 8, 9, 17, 18, and 19 stand rejected and are the appealed claims.

IV. Status of Amendments

The amendment filed after final rejection has been entered.

V. Summary of Claimed Subject Matter

This summary is in the nature of a technical abstract and is not intended for use in interpreting the claims. This invention relates to a article that includes an electroluminescent (EL) lamp on a surface of the article. A flexible EL lamp is

molded into a substantially stiffer article, leaving the lamp as at least a portion of an outer surface.

The following table relates the appealed claims to the specification as originally filed. The table is not exhaustive of all possible cross-references.

1. An injection molded article having an electroluminescent panel as a first surface of the article, said article characterized in that	FIG. 5, article 45
the panel is an integral part of the article as a result of injection molding.	page 6, lines 7–8 page 7, line 10
2. The article as set forth in claim 1 wherein said panel emits light outwardly from the first surface.	FIG. 2 page 7, lines 16–19
3. The article as set forth in claim 1 wherein said panel emits light into said article.	page 4, lines 31–32
4. The article as set forth in claim 1 wherein said first surface is three dimensional.	FIG. 9 page 6, lines 29–30
8. The article as set forth in claim 1 and further including a graphics layer.	FIG. 3, graphics layer 39 page 5, lines 30–32
9. The article as set forth in claim 1 and further including a graphics layer adjacent a second surface of said article.	FIGS. 6,7; graphics layer 55 page 6, line 15–16
17. An instrument cluster having at least one electroluminescent lamp as a first surface in a molded portion of the cluster, said instrument cluster characterized in that	FIG. 12 page 7, line 14
the lamp is an integral part of the cluster as a result of molding.	page 7, line 15–16
18. The instrument cluster as set forth in claim 17 and further including a plurality of electroluminescent lamps, wherein at least some of the lamps include a graphics layer.	page 7, lines 16–17

19. A cellular telephone having an electroluminescent panel as a first surface of a molded portion of the telephone, said telephone characterized in that	FIG. 13
the panel is an integral part of the telephone as a result of molding.	page 7, lines 20–21

VI. Ground of Rejection for Review on Appeal

Claims 1, 2, 3, 4, 8, 9, 17, 18, and 19 stand rejected as anticipated by Burrows.

VII. Argument

As disclosed in the Burrows patent, lamps 701A, 701B, 701C, and 701D are “deployed in three-dimensional form on the interior of telephone case 700” [column 11, lines 28–29]. Whatever process “deployed” may have been intended to mean, it is not a process that produces the integral structure recited. For example, in the description of FIG. 3, the Burrows patent discloses that “Elastomeric EL lamp 300 ... is being peeled back from transfer release paper 102 following affixation to a substrate” [column 7, lines 36–39]. “Affixation” does not produce an integral structure as recited.

Something stuck on the surface of an article does not become an “integral part” of the article. A parking sticker is not an “integral part” of a windshield just because it is stuck on to it. The ordinary meaning of the words prevents such an interpretation.

The Burrows patent discloses a lamp, an adhesive, and a substrate. The patent discloses a “self-contained membranous electroluminescent system provided **on** an appliance” [emphasis added]; column 1, lines 17-18. “On” is not integral. It is respectfully submitted that the Examiner is ignoring the express disclosure of the Burrows patent.

The Examiner argues that an internet site defines “integral” as “essential or necessary for completeness: constituent.” This ignores any connotation of the word and ignores the rest of the recitation; viz. “as a result of injection molding.”

Applicants are not relying on the method of making for patentability. The claim language describes structure, just as "refrigerator door" describes a different structure from "doggy door." The claim language says, to one of ordinary skill in the relevant art, that the lamp and the article are formed together. The article does not exist prior to the lamp. In the Burrows patent two **separate**, pre-existing articles are joined by adhesive; column 3, lines 27ff. The description of FIG. 7 uses the term "deployed" but the only means of attachment that is disclosed is adhesive.

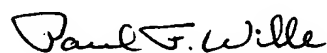
Adhesive is not part of the claimed combination; page 7, line 10, of appellants' specification. The Burrows patent does not disclose using uncured resin to make telephone case 700 (FIG. 7) and include lamps 701A, 701B, 701C, and 701D as part of an outer surface. On the contrary, five separate elements are joined by adhesive. According to the claimed invention, a lamp is an integral part of the article as a result of molding, not as the result of adhesive.

It is respectfully submitted that the claims must be read in their entirety, not piecemeal, to determine patentability.

VIII. Conclusion

In view of the foregoing, it is respectfully submitted that the rejection of the appealed claims is in error and should be reversed.

Respectfully submitted,



Paul F. Wille

Reg. No. 25,274

Attorney for Appellants

6407 East Clinton St.
Scottsdale, AZ 85254
(602) 549-9088

VII. Claims Appendix

1. An injection molded article having an electroluminescent panel as a first surface of the article, said article characterized in that the panel is an integral part of the article as a result of injection molding.

2. The article as set forth in claim 1 wherein said panel emits light outwardly from the first surface.

3. The article as set forth in claim 1 wherein said panel emits light into said article.

4 .The article as set forth in claim 1 wherein said first surface is three dimensional.

8 . The article as set forth in claim 1 and further including a graphics layer.

9 . The article as set forth in claim 1 and further including a graphics layer adjacent a second surface of said article.

17. An instrument cluster having at least one electroluminescent lamp as a first surface in a molded portion of the cluster, said instrument cluster characterized in that

the lamp is an integral part of the cluster as a result of molding.

18. The instrument cluster as set forth in claim 17 and further including a plurality of electroluminescent lamps, wherein at least some of the lamps include a graphics layer.

19. A cellular telephone having an electroluminescent panel as a first surface of a molded portion of the telephone, said telephone characterized in that the panel is an integral part of the telephone as a result of molding.

IX. Evidence Appendix

There were no affidavits filed in this application.

X. Related Proceedings Appendix

There are no related proceedings.